
HOUSE BILL 2606

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Condotta, Shea, Taylor, Overstreet, and Scott

Read first time 01/22/14. Referred to Committee on Public Safety.

1 AN ACT Relating to restricting the use of automated license plate
2 recognition systems; amending RCW 46.63.020; adding a new section to
3 chapter 46.64 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.64 RCW
6 to read as follows:

7 (1) For purposes of this section:

8 (a) "Automated license plate recognition system" means a system of
9 one or more mobile or fixed high-speed cameras combined with computer
10 algorithms to convert images of registration plates into computer-
11 readable data. "Automated license plate recognition system" does not
12 include an automated traffic safety camera as defined in RCW 46.63.170;
13 and

14 (b) "Official criminal investigation" means any observation,
15 surveillance, assessment, inspection, inquiry, search, or other similar
16 activity instigated and carried out pursuant to the lawful authority of
17 a law enforcement agency.

18 (2) Except as otherwise provided in subsection (3) of this section,
19 a person may not use an automated license plate recognition system.

1 (3) Subsection (2) of this section does not apply to any state,
2 county, or municipal law enforcement agency when conducting an official
3 criminal investigation. An automated license plate recognition system
4 may use only information entered by a law enforcement officer that is
5 based on specific and articulable facts of criminal conduct or pursuant
6 to a court order. An authorized user of an automated license plate
7 recognition system under this subsection may use an automated license
8 plate recognition system only for the official and legitimate purposes
9 of the user's agency.

10 (4) Data collected or retained through the use of an automated
11 license plate recognition system in accordance with subsection (3) of
12 this section are confidential and are available for use only by a law
13 enforcement agency in carrying out its functions or by an agency
14 collecting information under subsection (3) of this section for its
15 intended purpose and in any criminal proceeding.

16 (5) A law enforcement agency may publish and release as public
17 information summary reports using aggregate data that do not reveal the
18 activities of any individual or organization and may share commercial
19 motor vehicle screening data with the federal motor carrier safety
20 administration for regulatory compliance purposes.

21 (6) Data collected or retained through the use of an automated
22 license plate recognition system in accordance with subsection (3) of
23 this section that are not considered intelligence and investigative
24 record information, or data collected for the purposes of commercial
25 motor vehicle screening, may not be stored for more than twenty-one
26 days.

27 (7) A violation of this section is a misdemeanor.

28 **Sec. 2.** RCW 46.63.020 and 2013 2nd sp.s. c 23 s 21 are each
29 amended to read as follows:

30 Failure to perform any act required or the performance of any act
31 prohibited by this title or an equivalent administrative regulation or
32 local law, ordinance, regulation, or resolution relating to traffic
33 including parking, standing, stopping, and pedestrian offenses, is
34 designated as a traffic infraction and may not be classified as a
35 criminal offense, except for an offense contained in the following
36 provisions of this title or a violation of an equivalent administrative
37 regulation or local law, ordinance, regulation, or resolution:

- 1 (1) RCW 46.09.457(1)(b)(i) relating to a false statement regarding
- 2 the inspection of and installation of equipment on wheeled all-terrain
- 3 vehicles;
- 4 (2) RCW 46.09.470(2) relating to the operation of a nonhighway
- 5 vehicle while under the influence of intoxicating liquor or a
- 6 controlled substance;
- 7 (3) RCW 46.09.480 relating to operation of nonhighway vehicles;
- 8 (4) RCW 46.10.490(2) relating to the operation of a snowmobile
- 9 while under the influence of intoxicating liquor or narcotics or habit-
- 10 forming drugs or in a manner endangering the person of another;
- 11 (5) RCW 46.10.495 relating to the operation of snowmobiles;
- 12 (6) Chapter 46.12 RCW relating to certificates of title,
- 13 registration certificates, and markings indicating that a vehicle has
- 14 been destroyed or declared a total loss;
- 15 (7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of
- 16 taxes and fees by failure to register a vehicle and falsifying
- 17 residency when registering a motor vehicle;
- 18 (8) RCW 46.16A.520 relating to permitting unauthorized persons to
- 19 drive;
- 20 (9) RCW 46.16A.320 relating to vehicle trip permits;
- 21 (10) RCW 46.19.050 relating to knowingly providing false
- 22 information in conjunction with an application for a special placard or
- 23 license plate for disabled persons' parking;
- 24 (11) RCW 46.20.005 relating to driving without a valid driver's
- 25 license;
- 26 (12) RCW 46.20.091 relating to false statements regarding a
- 27 driver's license or instruction permit;
- 28 (13) RCW 46.20.0921 relating to the unlawful possession and use of
- 29 a driver's license;
- 30 (14) RCW 46.20.342 relating to driving with a suspended or revoked
- 31 license or status;
- 32 (15) RCW 46.20.345 relating to the operation of a motor vehicle
- 33 with a suspended or revoked license;
- 34 (16) RCW 46.20.410 relating to the violation of restrictions of an
- 35 occupational driver's license, temporary restricted driver's license,
- 36 or ignition interlock driver's license;
- 37 (17) RCW 46.20.740 relating to operation of a motor vehicle without

1 an ignition interlock device in violation of a license notation that
2 the device is required;

3 (18) RCW 46.20.750 relating to circumventing an ignition interlock
4 device;

5 (19) RCW 46.25.170 relating to commercial driver's licenses;

6 (20) Chapter 46.29 RCW relating to financial responsibility;

7 (21) RCW 46.30.040 relating to providing false evidence of
8 financial responsibility;

9 (22) RCW 46.35.030 relating to recording device information;

10 (23) RCW 46.37.435 relating to wrongful installation of
11 sunscreening material;

12 (24) RCW 46.37.650 relating to the sale, resale, distribution, or
13 installation of a previously deployed air bag;

14 (25) RCW 46.37.671 through 46.37.675 relating to signal preemption
15 devices;

16 (26) RCW 46.37.685 relating to switching or flipping license
17 plates, utilizing technology to flip or change the appearance of a
18 license plate, selling a license plate flipping device or technology
19 used to change the appearance of a license plate, or falsifying a
20 vehicle registration;

21 (27) RCW 46.44.180 relating to operation of mobile home pilot
22 vehicles;

23 (28) RCW 46.48.175 relating to the transportation of dangerous
24 articles;

25 (29) RCW 46.52.010 relating to duty on striking an unattended car
26 or other property;

27 (30) RCW 46.52.020 relating to duty in case of injury to or death
28 of a person or damage to an attended vehicle;

29 (31) RCW 46.52.090 relating to reports by repairers, storage
30 persons, and appraisers;

31 (32) RCW 46.52.130 relating to confidentiality of the driving
32 record to be furnished to an insurance company, an employer, and an
33 alcohol/drug assessment or treatment agency;

34 (33) RCW 46.55.020 relating to engaging in the activities of a
35 registered tow truck operator without a registration certificate;

36 (34) RCW 46.55.035 relating to prohibited practices by tow truck
37 operators;

38 (35) RCW 46.55.300 relating to vehicle immobilization;

1 (36) RCW 46.61.015 relating to obedience to police officers,
2 flaggers, or firefighters;
3 (37) RCW 46.61.020 relating to refusal to give information to or
4 cooperate with an officer;
5 (38) RCW 46.61.022 relating to failure to stop and give
6 identification to an officer;
7 (39) RCW 46.61.024 relating to attempting to elude pursuing police
8 vehicles;
9 (40) RCW 46.61.212(4) relating to reckless endangerment of
10 emergency zone workers;
11 (41) RCW 46.61.500 relating to reckless driving;
12 (42) RCW 46.61.502 and 46.61.504 relating to persons under the
13 influence of intoxicating liquor or drugs;
14 (43) RCW 46.61.503 relating to a person under age twenty-one
15 driving a motor vehicle after consuming alcohol;
16 (44) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
17 (45) RCW 46.61.522 relating to vehicular assault;
18 (46) RCW 46.61.5249 relating to first degree negligent driving;
19 (47) RCW 46.61.527(4) relating to reckless endangerment of roadway
20 workers;
21 (48) RCW 46.61.530 relating to racing of vehicles on highways;
22 (49) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
23 load;
24 (50) RCW 46.61.685 relating to leaving children in an unattended
25 vehicle with the motor running;
26 (51) RCW 46.61.740 relating to theft of motor vehicle fuel;
27 (52) RCW 46.64.010 relating to unlawful cancellation of or attempt
28 to cancel a traffic citation;
29 (53) RCW 46.64.048 relating to attempting, aiding, abetting,
30 coercing, and committing crimes;
31 (54) Section 1 of this act relating to automated license plate
32 recognition systems;
33 (55) Chapter 46.65 RCW relating to habitual traffic offenders;
34 ~~((+55))~~ (56) RCW 46.68.010 relating to false statements made to
35 obtain a refund;
36 ~~((+56))~~ (57) Chapter 46.70 RCW relating to unfair motor vehicle
37 business practices, except where that chapter provides for the
38 assessment of monetary penalties of a civil nature;

1 (~~(+57+)~~) (58) Chapter 46.72 RCW relating to the transportation of
2 passengers in for hire vehicles;
3 (~~(+58+)~~) (59) RCW 46.72A.060 relating to limousine carrier
4 insurance;
5 (~~(+59+)~~) (60) RCW 46.72A.070 relating to operation of a limousine
6 without a vehicle certificate;
7 (~~(+60+)~~) (61) RCW 46.72A.080 relating to false advertising by a
8 limousine carrier;
9 (~~(+61+)~~) (62) Chapter 46.80 RCW relating to motor vehicle wreckers;
10 (~~(+62+)~~) (63) Chapter 46.82 RCW relating to driver's training
11 schools;
12 (~~(+63+)~~) (64) RCW 46.87.260 relating to alteration or forgery of a
13 cab card, letter of authority, or other temporary authority issued
14 under chapter 46.87 RCW;
15 (~~(+64+)~~) (65) RCW 46.87.290 relating to operation of an
16 unregistered or unlicensed vehicle under chapter 46.87 RCW.

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